

Submission to the Queensland Parliament's Legal Affairs and Community Safety Committee.

"Inquiry into the Electoral Commission of Queensland's online publication of the preliminary and formal counts of the votes cast in the 2020 quadrennial local government election and the Bundamba and Currumbin state by-elections held on 28 March 2020"

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1. Through my work with the Australian Broadcasting Corporation (ABC), I was involved in the preparation and coverage of the Brisbane City Council elections, as well as coverage of the Bundamba and Currumbin state by-elections.
2. This was the fourth Brisbane City Council election I have been involved in covering on behalf of the ABC.
3. I had particular reasons for covering the 2020 elections. Late last year I met with senior staff of the Electoral Commission Queensland (ECQ) on their plans for both the local government elections and the plans for the 2020 Queensland state election.
4. The ECQ was planning to introduce a new election management system, software that allows the ECQ to manage a vast number of administrative tasks, such as dispatch and receipt of ballot papers, management of the roll, management of nominations, polling place, postal, pre-poll and absent voting.
5. Part of the ECQ's new system was a replacement for the election results reporting system. This involved a re-design of the results feed provided to the media. By running a coverage of the Brisbane City Council elections, and the by-elections, I was planning to test the the new results feed format, to verify that the ABC would be able to read the new format come the state election.
6. Unfortunately, the 28 March elections did not provide a good test for the state election.
7. From discussions with the ECQ, it is my understanding that the ECQ did not have time to integrate results reporting into its larger election management system. An interim system was implemented that did not live up to expectations.
8. The ECQ was unable to deliver a results feed on election night and was unable to deliver more than two updates a day in the post-election period. The feed also had a number of faults that required the ABC to re-write its software to work around problems.
9. What was delivered was also less than satisfactory. The ECQ was unable to deliver polling place results to its website, a particular problem at an election where public health regulations prevented scrutineers from observing the count.

10. Polling place results were available in a results data file, but the generation of this file failed on election night, leaving the media, scrutineers and candidates in the dark as to results. The data was available post-election, but publication only occurred twice a day. I took to updating the ABC's website manually at times with more up to date figures sourced from scrutineers.
11. Preference counts were not conducted on election night at the local government elections, but were conducted for the Bundamba and Currumbin by-elections. However, these counts could not be delivered on election night, again sowing confusion due to scrutineers not being able to do their own calculation of two-candidate preferred results. The counts taken on election night were not published until early the next week. As with the Brisbane City Council election, I reverted to updating the ABC website with scrutineer reports.
12. I understand the ECQ will have its results reporting system integrated with the election management system by the Queensland state election in October. This will allow the ECQ to report polling place first preference and two-candidate preferred results in a timelier manner.
13. The ECQ was unable to deliver a proper data test before the election, or to provide reliable set-up data files. Again, this stemmed from the results module not having been integrated with the election management system.
14. I have stressed to the ECQ that for the state election in October, the ECQ must be able to provide proper set-up data for the election, especially nomination and polling place details. The format for the results feed must also be finalised and not subject to late change as occurred at the local government elections. There must also be a proper test with the media to verify systems work. From my discussions with the ECQ, they understand that these tasks must be completed and tested.
15. The ECQ is the primary source for fine detail of the election results, but the media add value to the information that the ECQ publishes, summarising the results, predicting who wins, etc. For that we require a tested and reliable feed. It is in the best interests of both the ECQ and the media to make these arrangements works.
16. As to the ECQ's own website, it is critical that both first preference and two-candidate preferred results are published regularly and reliably. What the ECQ publishes is reference material that all candidates, scrutineers and the media rely on.
17. On behalf of media outlets, I have suggested that the ECQ re-consider two aspect of its proposed feed.
18. First, for reasons of transparency, the ECQ has proposed to publish both the initial count of first preference votes on election night by polling place, as well as check count details in each polling place in subsequent days. While laudable in exposing the counting process to greater transparency, the publication of two seats of totals may create confusion. Most other jurisdictions publish one total and simply replace the initial polling place count by polling place check counts. All Commissions maintain both totals for their own internal tests of quality assurance.
19. Second, the ECQ has proposed to capture more detail on preference flows on election night than any other electoral authority. I have suggested this additional detail may delay or confuse the transmission of results, and a procedure that simply captures an after preferences total may be quicker than what has been proposed.

20. The ECQ has listened to both of my suggestions, in particular my comment on who two-candidate preferred counts are collected.
21. The ECQ was very consultative in planning for the elections, but fell down with the late delivery of test data, with the inability to produce results on election night, and with an intermittent results feed afterwards.
22. There is no doubt the ECQ was under considerable pressure due to the late changes as a result of Covid-19 public health regulations. In my knowledge, no Australian election has been conducted in such difficult circumstances. No doubt the rapidly developing environment within which to conduct the election distracted managers inside the ECQ from the task of ensuring new software was properly tested and delivered in time.
23. Some of these problems stemmed from the greater complexity of the local government elections compared to a state elections. The multiplicity of electoral systems will not be present at the state election.
24. While there are always tensions between electoral authorities and people like me who specialise in covering election night counts, there is generally a degree of co-operation as well. On a number of occasions, I spotted errors in the results that the ECQ had not noticed themselves. Whenever I reported such errors, the ECQ were usually quick to correct them.
25. The ECQ has a new management team since the 2017 state election. The new team has been more consultative with stakeholders such as me in planning its new system, and certainly more communicative than previous ECQ management.
26. The ECQ did not meet expectations in terms of delivering a reliable results service for the local government elections and by-elections on 28 March.
27. In my view, the experience of 28 March should not become an excuse for punishment, but rather an opportunity to ensure the failures in delivering results is not repeated at the state election in October.